

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIRIAM FULD, et al.,

Plaintiffs,

-against-

THE PALESTINE LIBERATION  
ORGANIZATION and THE PALESTINIAN  
AUTHORITY,

Defendants.

Case No.: 20-cv-3374 (JMF)

**PROOF OF SERVICE**

I hereby certify that I am one of the attorneys of record for Defendants in this action and that on May 7, 2021, I caused the attached Notice of Constitutional Challenge, together with true and correct copies of ECF Nos. 25, 29, and 31, to be served via certified mail, tracking number 7018 0040 0000 4788 4157, on the U.S. Attorney General at the following address:

U.S. Department of Justice  
Office of the Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

/s/ Gassan A. Baloul  
Gassan A. Baloul

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**NOTICE OF CONSTITUTIONAL  
CHALLENGE**

Pursuant to Rule 5.1(a)(2) of the Federal Rules of Civil Procedure, and the Court’s Order Regarding Certification Pursuant to Fed. R. Civ. P. 5.1 and 28 U.S.C. § 2403 (ECF 36) (May 6, 2021), the Palestinian Liberation Organization and the Palestinian Authority, Defendants in the above-captioned action, hereby notify the Attorney General of the United States that they have challenged the constitutionality of the Promoting Security and Justice for Victims of Terrorism Act of 2019 (“PSJVTA”) (codified at 18 U.S.C. § 2334(e)), arguing that it cannot be applied to establish personal jurisdiction over them in this case without violating, *inter alia*, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the separation of powers doctrine, and the unconstitutional conditions doctrine. *See* ECF No. 25, at 1-2, 4-10; ECF No. 29, at 11-13; ECF No. 31, at 1-4.

The Court has ordered superseding briefing from the parties regarding the “application and constitutionality of the PSJVTA” in this case. *See* ECF No. 34. Defendants’ opening brief on the PSJVTA is currently due June 7, 2021; Plaintiffs’ opposition brief is due July 7, 2021; and Defendants’ reply brief is due July 19, 2021.

In its May 6, 2021 Order, the Court certified to the Attorney General of the United States the constitutional challenge to application of the PSJVTa described above and stated that “the Attorney General may intervene in this action ‘for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality,’ 28 U.S.C. § 2403(a), within the time frames set forth in Rule 5.1(c) of the Federal Rules of Civil Procedure.”

In accordance with Fed. R. Civ. P. 5.1(a)(2) and the Court’s May 6, 2021 Order, please find enclosed herewith the following documents:

1. Defendants’ Memorandum of Law in Support of Motion to Dismiss (ECF 25);
2. Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Motion to Dismiss (ECF 29); and
3. Defendants’ Reply Memorandum of Law in Further Support of Motion to Dismiss (ECF 31).

Dated: May 7, 2021

Respectfully submitted,

**SQUIRE PATTON BOGGS (US) LLP**

/s/ Gassan A. Baloul

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